

**ZB# 01-34**

**20<sup>th</sup> Century Towing**

**21-2-9.1**

# #01-34-20th Century Towing

Area/Interp/Per  
variance

21-2-9.1

Prelim.

July 9, 2001.

Spec. w/c Team  
7/10 NC P.E.  
was in PG  
zone

7/10 NC

was =

6-6-6  
Sp. and Permit  
for body support  
P.D. 4902

7/30/01

Was advised by  
P.B. Chairman  
Jim Petro &  
Mike Babcock  
that Pat Topey  
should be  
applying to  
the P.B. for a  
special permit  
only!

#98-17, ① / m  
2.2.2.2.  
1.2.2.2.  
② 2.2.2.2.  
2.2.2.2.

1.2.2.2.  
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③ 2.2.2.2.  
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2.2.2.2.

APPLICATION FEE (DUE AT TIME OF FILING OF APPLICATION)

APPLICANT: 20th Century Towing  
\_\_\_\_\_  
\_\_\_\_\_

FILE# 01-34.

RESIDENTIAL: \$50.00

COMMERCIAL: \$150.00

INTERPRETATION: \$150.00

AREA \_\_\_\_\_

USE \_\_\_\_\_

APPLICATION FOR VARIANCE FEE ..... \$ 150.-

\*

\*

\*

ESCROW DEPOSIT FOR CONSULTANT FEES ..... \$ 500.-

DISBURSEMENTS:

STENOGRAPHER CHARGES: \$4.50 PER PAGE

PRELIMINARY MEETING-PER PAGE 7/23/01 \$ 27.00

2ND PRELIMINARY- PER PAGE ..... \$ \_\_\_\_\_

3RD PRELIMINARY- PER PAGE ..... \$ \_\_\_\_\_

PUBLIC HEARING - PER PAGE ..... \$ \_\_\_\_\_

PUBLIC HEARING (CONT'D) PER PAGE ..... \$ \_\_\_\_\_

TOTAL ..... \$ \_\_\_\_\_

ATTORNEY'S FEES: \$35.00 PER MEEETING

PRELIM. MEETING: 7/23/01 ..... \$ 35.00

2ND PRELIM. .... \$ \_\_\_\_\_

3RD PRELIM. .... \$ \_\_\_\_\_

PUBLIC HEARING. .... \$ \_\_\_\_\_

PUBLIC HEARING (CONT'D) ..... \$ \_\_\_\_\_

TOTAL ..... \$ \_\_\_\_\_

MISC. CHARGES:

\_\_\_\_\_ ..... \$ \_\_\_\_\_

TOTAL ..... \$ \_\_\_\_\_

LESS ESCROW DEPOSIT ..... \$ \_\_\_\_\_

(ADDL. CHARGES DUE) ..... \$ \_\_\_\_\_

REFUND DUE TO APPLICANT .. \$ \_\_\_\_\_





# Town of New Windsor

555 Union Avenue  
New Windsor, New York 12553  
Telephone: (845) 563-4631  
Fax: (845) 563-4693

## Assessor's Office

September 12, 2001

Patrick J. Torpey  
20<sup>th</sup> Century Towing  
200 Union Avenue  
New Windsor, N. Y. 12553

Re: 21-2-9.1

Dear Mr. Torpey:

According to our records, the attached list of property owners are within five hundred (500) feet of the above referenced property.

The charge for this service is \$35.00.

Please remit this sum to the Town Clerk's Office.

Sincerely,

Leslie Cook  
Sole Assessor

LC/  
Attachments

cc: Myra Mason, Planning Bd.

9-1-26  
Ernest H. Borchert Living Trust  
Lattintown Road  
Marlboro, NY 12542

21-4-14  
Ernest & Irene R. Grieco  
184 Union Ave  
New Windsor, NY 12553

21-2-6  
Bears Manufacturing Co.  
3815-25 Cortland Street  
Chicago, IL 60647

21-4-15  
Marjorie Jacaruso  
180 Union Ave  
New Windsor, NY 12553

21-2-7  
AEI Orange Realty Corp.  
% APA Transport Corp.  
2100 88<sup>th</sup> Street  
North Bergen, NJ 07047

21-4-16  
Donald & Dolores Ferguson  
178 Union Ave  
New Windsor, NY 12553

21-2-12  
Patrick Torpey  
200 Union Ave  
New Windsor, NY 12553

22-1-1  
The Newburgh Woodlawn  
Cemetery Association  
93 Union Ave  
New Windsor, NY 12553

21-2-13  
Consolidated Rail Corp.  
6 Penn Center Plaza  
Philadelphia, PA 19103

22-1-2  
Myhed Corporation  
P.O. Box 1150  
Newburgh, NY 12550

21-2-14  
Town of New Windsor  
555 Union Ave  
New Windsor, NY 12553

George J. Meyers, Supervisor  
Town of New Windsor  
555 Union Ave  
New Windsor, NY 12553

21-4-8  
Carmine Damario  
40 Clancy Ave  
New Windsor, NY 12553

Deborah Green, Town Clerk  
Town of New Windsor  
555 Union Ave  
New Windsor, NY 12553

21-4-9  
Dobbins Margaret Life Estate for  
Marylin Thole  
% Reverend Lynn Starr-Post  
231 MacArthur Ave  
New Windsor, NY 12553

Andrew Krieger, ESQ  
219 Quassaick Ave  
New Windsor, NY 12553

21-4-11  
Casey Mitchell & Kevin Stanley  
233 MacArthur Ave  
New Windsor, NY 12553

James Petro, Chairman  
Planning Board  
555 Union Ave  
New Windsor, NY 12553

21-4-12; 21-4-13  
John A. Jaczko  
186 Union Ave  
New Windsor, NY 12553

Mark J. Edsall, P.E.  
McGoey and Hauser  
Consulting Enngineers, P.C.  
33 Airport Center Drive Suite 202  
New Windsor, NY 12553



**McGOEY, HAUSER and EDSALL**  
**CONSULTING ENGINEERS P.C.**

RICHARD D. McGOEY, P.E. (NY & PA)  
WILLIAM J. HAUSER, P.E. (NY & NJ)  
MARK J. EDSALL, P.E. (NY, NJ & PA)  
JAMES M. FARR, P.E. (NY & PA)

cc: Paul Cuomo  
□ **Main Office**  
33 Airport Center Drive  
Suite #202  
New Windsor, New York 12553  
(845) 567-3100  
e-mail: mheny@att.net  
□ **Regional Office**  
507 Broad Street  
Milford, Pennsylvania 18337  
(570) 296-2765  
e-mail: mhepa@ptd.net

**TOWN OF NEW WINDSOR**  
**PLANNING BOARD**  
**REVIEW COMMENTS**

**PROJECT NAME:** 20<sup>th</sup> CENTURY SITE PLAN  
**PROJECT LOCATION:** 200 UNION AVENUE  
SECTION 21 – BLOCK 2 – LOT 9.1  
**PROJECT NUMBER:** 01-37  
**DATE:** 22 AUGUST 2001  
**DESCRIPTION:** THE PROJECT INVOLVES A CHANGE TO THE EXISTING SITE PLAN, TO INCLUDE THE ADDITION OF THE PROPERTY TO THE EAST, WITH USE OF SAME AS REPAIR BAYS AND RELATED OFFICE. THE PLAN WAS PREVIOUSLY REVIEWED AT THE 23 MAY 2001 PLANNING BOARD MEETING.

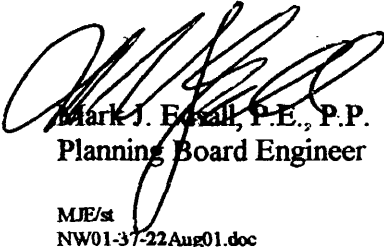
1. The property is located in the PI Zoning District of the Town. The use is existing non-conforming, and is not permitted in the zone. Bulk values for the use (from the NC zone) are shown for reference only.

The application was referred to the ZBA at the May meeting.

2. My comments from May included several corrections which were to be made to the plans. I have not received any new plans for this meeting, and am not aware of the status of the corrections.
3. The applicant was previously advised on several occasions that they have to properly combine the lots into a single lot. Documentation to this effect was to be submitted to Andy Krieger. We should verify that Andy has received the documentation and same is acceptable.
4. The Planning Board may wish to assume the position of Lead Agency under the SEQRA review process.
5. The Planning Board may wish to make a determination regarding the type action this project should be classified under SEQRA, and make a determination regarding environmental significance.

6. The Planning Board should determine, for the record, if a Public Hearing will be required for this Site Plan, per its discretionary judgment under Paragraph 48-19.C of the Town Zoning Local Law.
7. The Board should discuss whether it is appropriate to forward this plan to the Orange County Department of Public Works, since the site plan fronts on a County Highway.

Respectfully Submitted,



Mark J. Ewall, P.E., P.P.  
Planning Board Engineer

MJE/st  
NW01-37-22Aug01.doc

ORANGE COUNTY  
TAX MAP DEPARTMENT  
124 MAIN STREET  
GOSHEN, N. Y. 10824

OCT - 4 2000

NOTICE OF TAX MAP REVISION

MAP: CITY OF \_\_\_\_\_ TOWN OF NEW WINDSOR VILLAGE OF \_\_\_\_\_

RE: DEED: LIBER 5354 PAGE 124 RECORDED 8-23-00

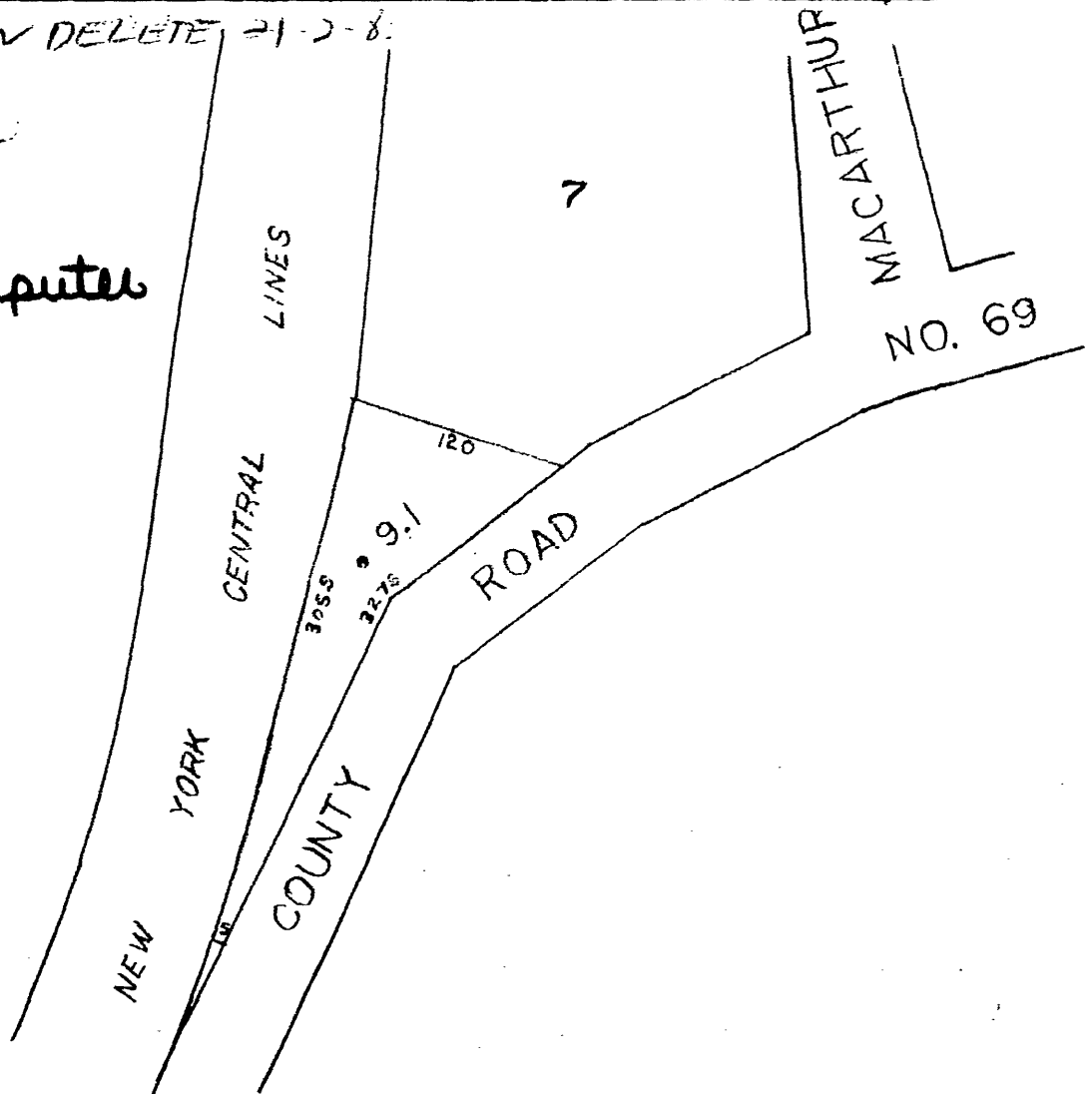
PRESENT TAX MAP: SECTION 21 BLOCK 2 LOT 9  
CHANGE TAX MAP: SECTION 21 BLOCK 2 LOT 9.1  
~~DELETE~~  
BREAKAWAY TAX MAP: SECTION 21 BLOCK 2 LOT 8

CHANGE  
SAME AS ☐  
PORTION OF ☐  
CORRECTION ☐  
OTHER COMBO ☒

ADD  
DEED  
5354/124  
OTHER REPLAN: REVISE PLAN AS SHOWN IN RED BELOW. CHANGE  
21-2-9 TO 21-2-9.1 LOCATION: WS HWY 69 (E582165)/N538805)  
SIZE = 327x120xIR. TRANSFER 21-2-8 SAME AS 13Y  
5354/124. THEN DELETE 21-2-8.

↑ Done on map  
4/4/01  
↑ Done on Computer  
4/4/01

Copies To:  
Bobby  
Building  
Water



SCALE: 1" = 100' DATE: 9-20-00 SEE INFORMATION IN RED

**MEMORANDUM FOR RECORD**

**TO: ZBA RECORD**

**FROM: PAT**

**SUBJECT: ZBA APPLICATION OF PAT TORPEY  
20<sup>TH</sup> CENTURY TOWING - #01-34**

**DATE: JULY 31, 2001**

After the July 23, 2001 ZBA meeting, I called Andy Krieger to ask what Mr. Torpey is actually applying for from the ZBA in light of the fact that he had mentioned a "special permit" at the ZBA meeting. Special Permits are only handled by the Planning Board. Andy Krieger said he would attend the Planning Board meeting on July 25<sup>th</sup> and ask the PB their opinion. He said he would call me back advising if the Applicant Torpey must still return to the ZBA for a public hearing. Krieger never called me after the PB meeting. I called him on Friday, July 27<sup>th</sup>. He was not available. I left message and he never returned my call. I called him again on Monday, July 30<sup>th</sup>. He was not available and, again, he never returned my call.

Mr. Torpey called me several times in anticipation of scheduling the public hearing before the ZBA as stated in his Notice of Disapproval from the Planning Board. I told him that I was trying to find out what his next step was and that I had several telephone calls in to Andy Krieger, to no avail.

On Monday, July 30<sup>th</sup>, I telephone Jim Petro, Chairman of the Planning Board in hopes of finding out what transpired at their meeting of July 25<sup>th</sup>. Jim said he was under the impression that Mr. Torpey should go back to the Planning Board for a Special Permit for a body shop in a PI zone. He advised me to check with Mike Babcock to verify this fact. I called Mike Babcock on July 30<sup>th</sup>. He was not in his office.

On July 31<sup>st</sup> I received a telephone call from Mike Babcock. I asked him the same question: What was the outcome of the Planning Board

meeting regarding the Torpey application. Mike verified that Torpey should return to the Planning Board for special permit. Mike also said that he thought Torpey should have never been referred to the ZBA by the Planning Board. I called Mr. Torpey to give him the heads up and advised him to return to the Planning Board for a special permit.

I initiated this memo for record for purposes of clarity, both for me, the Applicant, and the members of the ZBA.

Pat 

INQUIRY by swis/sbl ORANGE COUNTY TAX MAP DEPARTMENT 10/02/00 16:42:12

CURRENT parcel updated on 10/02/00

m01m13

334800 21-2-9.1

T/C NEW WINDSOR

SWIS SEC-SSC-BLCK-LOT.SLT-SUFF SPLIT LOC-\*\*\*

334800 021 000 0002 009 100 0000

LOC1 WS HWY 69

334800 021 000 0002 009 000 0000 PRI

2

334800 021 000 0002 009 000 0000 ORG

3

NAME1 TORPEY PATRICK J

EAST COORD 582165 NORTH COORD 538805

& 2

ACRES 0.00 SQ FT

ADDR3

FNTFT 327.00 DEPTH 120.00 IR-CD I

4

CONDO %

5 200 UNION AVE

NOTES

6 NEW WINDSOR NY

12553

1 21-2-8 CW 9/00

2

\*-- DEED RECORDED --\* SCHOOL DISTRICT 331100 3

DATE BOOK PAGE NEWBURGH

4

1 041699 5038 82 \*-SPECIAL DISTRICTS-\* 5

2 092100 5354 124 1 FD035 5 AM003 6

3 2 WD007 6 7

4 3 RG004 7 8

5 4 SW829 8 9

Press appropriate PF key or key swis-sbl and press ENTER

PF3 Menu PF4 UTS PF5 RPS PF7 Prior PF8 Next current PF10 Reverse order



INQUIRY by swis/sbl ORANGE COUNTY TAX MAP DEPARTMENT. 10/02/00 16:46:11

deleted parcel updated on 10/02/00 m01m16

334800 21-2-8 T/C NEW WINDSOR V

SWIS SEC-SSC-BLCK-LOT.SLT-SUFF SPLIT LOC-\*\*\*

334800 021 000 0002 008 000 0000 LOC1 W S CO HWY 69

000000 000 000 0000 000 000 0000 PRI 2

000000 000 000 0000 000 000 0000 ORG 3

NAME1 TORPEY PAT EAST COORD 580945 NORTH COORD 538255

& 2 ACRES SQ FT

ADDR3 FNTFT 117.00 DEPTH 120.00 IR-CD I

4 CONDO

5 25 BLOOMING GROVE TNPK ----- NOTES -----

6 NEW WINDSOR NY 12553 1 CW 21-2-9.1 9/00

2

\*-- DEED RECORDED --\* SCHOOL DISTRICT 331100 3

DATE BOOK PAGE NEWBURGH 4

1 092100 5354 124 \*-SPECIAL DISTRICTS-\* 5

2 1 FD035 5 AM003 6

3 2 WD007 6 7

4 3 RG004 7 8

5 4 SW829 8 9

Press appropriate PF key or key swis-sbl and press ENTER

PF3 Menu

PF8 Next deleted

Date 8/7/01

# TOWN OF NEW WINDSOR

TOWN HALL, 555 UNION AVENUE  
NEW WINDSOR, NEW YORK 12553

TO ..... Frances Roth ..... DR.

168 N. Drury Lane  
Newburgh, N.Y. 12550

DATE			CLAIMED	ALLOWED
7/23/01	Zoning Board Mtg		75.00	
	Misc. - 2			
	Singh/Preet Deli - 4			
	20 <sup>th</sup> Century Towing - 6 \$27.00			
	Holpan - 6			
	Lucas - 4			
	TNW/First Columbia - 3			
	US Health/Quasar - 3			
	Pobles - 3			
	Picerno - 2			
	Bila - Tutor Time - 3			
	36		162.00	
			237.00	

20TH CENTURY TOWING

Mr. Pat Torpe appeared before the board for this proposal.

MR. TORLEY: Referred by Planning Board with positive recommendation for 26.8 ft. front yard, 26.1 ft. rear yard, 1 ft. building height, plus interpretation and/or variance for expansion of non-conforming use at 200 Union Avenue in a PI zone.

MR. KANE: Tell us what you want to do.

MR. TORPE: I don't want to come to the Zoning Board.

MR. KANE: You've been referred?

MR. TORPE: I've got to take the bar and put change it into a detail shop, little car lot, keep the towing down there by itself.

MR. TORLEY: Now, I'm looking at this map you have two existing buildings?

MR. TORPE: Yes.

MR. TORLEY: What is it you want to change?

MR. TORPE: Well, this was a bar and then I want to join the two pieces of property together and it shouldn't be no problem so I did all that and they referred me to zoning, just so zoning can check it out, make sure it's okay.

MR. KRIEGER: As far as I'm concerned, you haven't joined the properties together, doing it by the tax people is not joining the properties together.

MR. TORPE: I have everything, the properties are joined and done and everything.

MS. CORSETTI: He doesn't need to produce the deed until the public hearing.

MR. TORPE: It's all done. I'm not scamming nobody,

you understand?

MS. CORSETTI: We know that, Pat.

MR. TORLEY: So it's an expansion of a non-conforming use and in what way is it an expansion, so what are you going to use this previous bar for?

MR. TORPE: Detail shop and put the towing out there and the existing building will be the towing shop this way I can put the trucks here, run the towing, do all my light mechanical and that will be the body shop itself.

MR. TORLEY: These be pre-existing non-conforming uses for the zone automotive repair?

MR. BABCOCK: That's correct, the bar itself was a non-conforming use also we were a little, and that's why he went to the planning board and then the planning board, it's a confusing thing because he was here and got a 30 percent for the addition to his garage to put a bay on, there's some sections of the code that talks about you cannot change one non-conforming use to another non-conforming use without a special permit from the zoning board so--

MR. TORLEY: That still resides, most of the special permits went to the planning board but that's ours?

MR. BABCOCK: That's the way the language in the text says it is.

MR. KRIEGER: But does the text say he can't change one to the other, you can't change one to the other?

MR. BABCOCK: Without special permission from this board.

MR. KRIEGER: Say something about more restrictive or not as restrictive?

MR. BABCOCK: I don't have the code in front of me.

MR. TORLEY: We'll check that for the public hearing

because that's one thing because this is a change, this is a pre-existing, non-conforming use, fine, but now you're expanding it and you're really expanding it much more than 30 percent taking another non-conforming use changing what it was to something entirely different.

MR. TORPE: I thought it would be a better change. I can open up a bar.

MR. KRIEGER: Arguably, you can make that argument that it is less restrictive, it's a change to a less restrictive use, non-conforming use and if it were me making the argument, the traffic is what I'd focus on, you're bound to have less traffic than a bar.

MR. TORLEY: Probably safer drivers.

MR. TORPE: Much better hours. It started, I went to the planning board to check first, they told me what to do and now I'm here.

MR. TORLEY: The questions we're going to have for you assuming the board grants you a public hearing are discussions on pre-existing, non-conforming use, whether or not this really is this is a change of a pre-existing, non-conforming use to another non-conforming use. So you'll have to talk on that, expansion of your existing non-conforming use by more than that 30 percent, you've already had 30 percent now it's doubling it.

MR. BABCOCK: Well, if all fairness, if he would have kept this as two separate parcels in my mind anyway and he wasn't the owner of the adjacent parcel and he was just here for that bar, to change the bar from bar to a detail shop, we wouldn't be looking at the 30 percent expansion for his neighbor.

MR. TORLEY: But the code talks about adjacent lots in common ownership.

MR. BABCOCK: When he went to the planning board, the planning board is the one that made him, told him he had to consolidate the two lots.

MR. TORPE: To bring the grandfather clause over.

MR. KRIEGER: Certainly for site plan purposes he has to.

MR. BABCOCK: Well, it's little catch 22 for him where he now is combining, let's say I own that lot, you wouldn't be looking at the lot next the him.

MR. KRIEGER: The 30 percent would be irrelevant, it would only be the special permit.

MR. KANE: If anybody else went to the building to use it as an existing, non-conforming, which is another bar, what would they be able to use it for?

MR. BABCOCK: They'll be here anyway.

MS. CORSETTI: Still change it.

MR. BABCOCK: Right.

MR. TORLEY: So the questions are whether the change from a bar to the detail shop brings it closer to have the intent of a PI zone, that's one thing you want to be talking about, and I assume we'll need photographs. Do you have need deeds on this one, Andy?

MR. KRIEGER: Well, eventually, I'm going to have to but I don't think wearing my zoning board hat I will have to.

MR. TORPE: I will have everything ready.

MR. KRIEGER: If he has one deed with one description might as well.

MR. TORPE: I spent a ton of money putting everything together, surveying, everything.

MR. TORLEY: Now also the building that you're changing, are you changing its footprint?

MR. TORPE: Nothing, it's actually, I'm ready, just waiting on you.

MR. KRIEGER: With the detail shop, what about noise and hours of operation?

MR. TORPE: Little as possible.

MR. REIS: Less of an impact than the bar.

MS. CORSETTI: Sometimes I stop there 4:30, he's closed already.

MR. KRIEGER: But those are all things the board is going to want to hear, hours of operation, description, the operation that's going to be used.

MR. TORPE: Nothing's going to change, 9 to 5.

MR. TORLEY: The other thing is that there are rather not strict but there are reasonable restrictions on hours of operation and noise in a PI zone, we want to ensure.

MR. TORPE: We've got a trucking outfit over there.

MR. TORLEY: For the public hearing, make sure you're not going to be exceeding those.

MR. TORPE: If somebody shows--

MR. TORLEY: We have to have it.

MR. KRIEGER: We have to have it to put it in the decision.

MR. TORLEY: Any other questions?

MR. KANE: Accept a motion?

MR. TORLEY: Yes.

MR. REIS: We determined that we're not going for the interpretation, we're going for a variance?

MR. TORLEY: Yes.

MR. KANE: And/or he needs the variances.

MR. KRIEGER: Wait a minute, Mike, didn't you talk about a special permit, this being a permitted use, change of use?

MR. REIS: So we're not going for interpretation, we're going for a variance?

MR. TORLEY: Mike is referring me to the code.

MR. BABCOCK: We have to look at the code, I think Andy's going to have to decide how that works.

MR. TORLEY: Would you mind changing the motion? We haven't even talked about the building height, that I assume is because of side yards.

MR. KANE: He's not changing anything.

MR. TORLEY: To a public hearing on his requested changes in non-conforming uses, pre-existing non-conforming uses as either an interpretation or special permit and/or variance, include them all, you can decide after the hearing what category it falls into.

MR. KANE: So moved.

MR. MC DONALD: Second it.

ROLL CALL

MR. RIVERA	AYE
MR. MC DONALD	AYE
MR. REIS	AYE
MR. KANE	AYE
MR. TORLEY	AYE



OFFICE OF THE PLANNING BOARD - TOWN OF NEW WINDSOR  
ORANGE COUNTY, NY

*Fuller*  
July 9, 2001  
#01-34

NOTICE OF DISAPPROVAL OF SITE PLAN OR SUBDIVISION APPLICATION

PLANNING BOARD FILE NUMBER: 01-37

DATE: 6-20-01

APPLICANT: 20th Century Towing  
Union Ave  
New Windsor, NY

PLEASE TAKE NOTICE THAT YOUR APPLICATION DATED 5-14-01

FOR (~~SUBDIVISION~~ - SITE PLAN) Site Plan Approval


LOCATED AT 200 Union Ave

ZONE PI

DESCRIPTION OF EXISTING SITE: SEC: 21 BLOCK: 2 LOT: 9.1

IS DISAPPROVED ON THE FOLLOWING GROUNDS: INTERPRETATION

AND/OR VARIANCE FOR EXPANSION OF NON-CONFORMING  
USE; POSSIBLE AREA TYPE VARIANCES AS LISTED  
BELOW.

  
MARK J. EDALL P.E. for  
MICHAEL BABCOCK,  
BUILDING INSPECTOR

\*\*\*\*\*

<u>REQUIREMENTS</u>		<u>PROPOSED OR AVAILABLE</u>	<u>VARIANCE REQUEST</u> (see above)
ZONE	USE		
<u>PI*</u>	<u>Pre-existing</u> <u>Non-conforming use</u>		
MIN. LOT AREA	<u>15,000 sf</u>	<u>22,997</u>	<u>—</u>
MIN. LOT WIDTH	<u>125'</u>	<u>200'</u>	<u>—</u>
REQ'D FRONT YD	<u>40'</u>	<u>13.2'</u>	<u>26.8</u>
REQ'D SIDE YD.	<u>15'</u>	<u>95'</u>	<u>—</u>
REQ'D TOTAL SIDE YD.	<u>30'</u>	<u>225'</u>	<u>—</u>
REQ'D REAR YD.	<u>30'</u>	<u>3.9'</u>	<u>26.1 Ft</u>
REQ'D FRONTAGE	<u>N/A</u>	<u>N/A</u>	<u>—</u>
MAX. BLDG. HT.	<u>23'</u>	<u>24'</u>	<u>1 Ft.</u>
FLOOR AREA RATIO	<u>0.5</u>	<u>0.24</u>	<u>—</u>
MIN. LIVABLE AREA	<u>N/A</u>	<u>N/A</u>	<u>—</u>
DEV. COVERAGE	<u>N/A</u> %	<u>N/A</u> %	<u>—</u> %
O/S PARKING SPACES	<u>25</u>	<u>25</u>	<u>—</u>

\* THESE VALUES BASED ON "N.C."  
ZONE WHERE USE PERMITTED

APPLICANT IS TO PLEASE CONTACT THE ZONING BOARD SECRETARY AT:  
(914-563-4630) TO MAKE AN APPOINTMENT WITH THE ZONING BOARD  
OF APPEALS.

CC: Z.B.A., APPLICANT, P.B. ENGINEER, P.B. FILE

20TH CENTURY TOWING SITE PLAN AMENDMENT (01-37)

Mr. Paul Cuomo and Mr. Pat Torpe appeared before the board for this proposal.

MR. PETRO: This is proposed new bays and office for existing towing bays. This project involves change to the existing site plan to include the addition of the property to the east with use of same as repair bays and related office. This plan was reviewed on a concept basis only.

MR. CUOMO: I have the owner, Mr. Pat Torpe with me tonight and this is basically what we had before but we bought a business next door and we want to expand into that business by having two more bays and resulting parking area, so the whole concept here is that the project will be this one property. We've got appropriate--

MR. TORPE: Well, how it started out I was up here a while back, Jim, remember, remember when I brought Colleen back a long time ago, they said join the two properties together and we'll entertain you. Until then, you know, just make it all one piece of parcel and--

MR. LANDER: So it's all one deed?

MR. TORPE: Yeah, I went through all that, that's all done. All we have to do is like get the approval from you guys now.

MR. PETRO: How did you remove the lot line, just through the deed?

MR. EDSALL: Pat was going to submit something to Andy, I don't know if you've received it.

MR. KRIEGER: I haven't received it.

MR. TORPE: I talked to Dan again and Dan says he did all that and he says the only thing you really need is your map, if Mark had a recommendation, Mark should call him because he says I did it all.

MR. PETRO: Dan who?

MR. TORPE: Yanosh, the surveyor and the tax map is really what he said he needs cause that's the whole, I don't know.

MR. KRIEGER: Who did the deed?

MR. TORPE: Leslie did that, it's one lot, I got a new tax number.

MR. KRIEGER: I don't care about the tax number, I care about seeing the deed.

MR. PETRO: Well, Pat, you can produce a deed to the attorney for the planning board?

MR. TORPE: Yeah, yeah, I can do that.

MR. PETRO: We'll continue with the assumption that it is one lot. If it turns out that it's not--

MR. TORPE: No, it's one.

MR. PETRO: If it turns out it's not, we'll have to back up a little bit, we'll go that far for now, Andy, you'll get that and review it?

MR. KRIEGER: When I get it, I'll review it, let you know.

MR. PETRO: I have a simple question here, how are we getting around, addressing this to Mark, how are we getting around zoning?

MR. EDSALL: How are you getting around?

MR. PETRO: How are we?

MR. LANDER: Reword that, please.

MR. PETRO: Tell me about the zoning on the property.

MR. EDSALL: Well, you've got--

MR. PETRO: I'll go further, the zoning for the building that he was in was grandfathered in, correct?

MR. TORPE: Yeah, we went under--

MR. PETRO: Came in for an addition, let me finish talking first, which you're allowed to do 30 percent more growth, I think you did that, the 30 percent into the other zone. Now you're buying the property next to you, you're including it into your own property but the other property is in the wrong zone, it's not the zone that permits the use that you want so how are we going forward to allow him to show us a site plan for a use that's not permitted in the zone?

MR. EDSALL: Funny you ask that. The building inspector and I reviewed it and it's not quite clear and reviewing the law whether this falls under that section of the law that's an expansion because it's not really an addition, it's really just an existing use that's now going to occupy an adjoining property and building. We're not sure and it's up to the board if you believe it's appropriate to get an interpretation, we're not sure that it falls under the other section of the code or if you can on face value accept it as just a non-conforming use that's now including the adjacent property, maybe Andy can help us out but we're not quite sure where it should go.

MR. PETRO: Thanks, that cleared it right up for me.

MR. EDSALL: I tried my best.

MR. BABCOCK: We don't know.

MR. LANDER: Andy?

MR. PETRO: Any suggestions?

MR. KRIEGER: Even without the prior 30 percent expansion, my recollection is the same as is the Chairman's, even without that, just looking at it driving by, it looks like more than 30 percent expansion and the pre-existing, non-conforming use that

existed for the parcel which has been acquired was not for this. I don't think by making it one parcel you can borrow the status from the other parcel from the older, the original parcel.

MR. PETRO: I would agree but there's one thing I think we should think about here and that would be the actual location and again, I don't know if we can do it for one, not do it for somebody else in another location, but let's just look where it is and he has the railroad behind him and he has all McArthur Avenue to the north which is all commercial properties and big buildings, trucking terminal, I think there's really nothing to the south cause the road goes to a point and the actually, you have the backhoe man over in the corner which would be his south corner, so it's not that.

MR. KRIEGER: Then that's desirable, there's no question.

MR. PETRO: It's not that he's doing something bad in the wrong spot.

MR. KRIEGER: It's entirely appropriate, I understand that but the--

MR. PETRO: How do we get around it legally?

MR. KRIEGER: That doesn't necessarily make it, as you know, right and legal are not necessarily the same thing.

MR. PETRO: Did I say that once?

MR. LANDER: Twice.

MR. KRIEGER: Well, sounds like something you would have said, yes, or at least thought.

MR. TORPE: So I should keep it a bar, right?

MR. PETRO: No, we're kind of working with you here, we're trying to figure out exactly how to do it.

MR. LANDER: So, your suggestion is, Mr. Edsall, is to

send this to the zoning board for an interpretation at this point?

MR. EDSALL: Possibly with a recommendation.

MR. BABCOCK: And/or variance so if he goes there and he gets one trip and he has to get whatever he has to get.

MR. KRIEGER: Do it one way or the other and legally speaking, if the zoning board renders an interpretation consistent, whatever interpretation they render that's provided nobody appeals it, that's it, but I think it's significant enough that with the size parcel that--

MR. PETRO: Okay. Which would also protect you because if we went ahead with this, frankly, I don't know how we could go ahead with it, it's not the right zone and somebody objected to it, you could have a problem so in that case--

MR. LANDER: Before he goes to zoning, he's going to have to make sure, well, Andy's going to have to see the deed.

MR. TORPE: I'll get that to him, I don't know what to get because every time I ask somebody, I'm getting the runaround.

MR. LANDER: You have to have the deed.

MR. TORPE: I asked Dan, I told Dan, he came down, surveyed, combined the two lots, he did this, he did that, Leslie did all the same, she got me a new tax number, it's one parcel of land now, one tax map, it's a whole new number, everything, and she tells me, he tells me that, I don't know, I guess I got to go to Goshen, have somebody go to Goshen and get it stamped.

MR. KRIEGER: Did you ever have the deed itself changed?

MR. TORPE: Leslie did it through the tax map and he says through the survey now it's one.

MR. KRIEGER: Change in the tax number and change in the deeds are not the same thing.

MR. TORPE: Mark's been trying to explain it to me but I'm getting back and forth, back and forth, and I don't know about going to Goshen and doing no tax map or deed. Leslie said she done it all, she sent my things, now it's one parcel.

MR. BABCOCK: Could very well be one parcel with two deeds, that's where the problem may be.

MR. KRIEGER: Well be one tax number, does not necessarily for all legal purposes denote one parcel.

MR. TORPE: She said the line's gone.

MR. BABCOCK: Typically, the assessor's office, you deal with them, they consolidate lots for tax purposes only.

MR. TORPE: That's the whole reason.

MR. KRIEGER: As they do everything for tax purposes only.

MR. PETRO: I want to leave here tonight before I'm in my 50's. Got to get the deed and get it to Andy. I would like to take a motion or have a motion from the board to send Mr. Torpe to the zoning board for clarification of the zoning and what they believe how we can proceed so--

MR. LANDER: And also whether or not--

MR. KRIEGER: Interpretation and/or variance.

MR. LANDER: With a recommendation from us.

MR. PETRO: We're going to do a positive recommendation. Does anybody disagree?

MR. ARGENIO: No, but we send them to zoning first or do the roll call and positive?



MR. PETRO: No, we're sending to zoning with the positive recommendation.

MR. ARGENIO: Okay. So moved.

MR. KARNAVEZOS: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board send Mr. Torpe to the New Windsor Zoning Board for clarification of the zoning and/or necessary variances that he may require for us to proceed on the site plan and we're sending him there with a positive recommendation from this board that he move forward with his plans. Is there any further discussion from the board members? If not, roll call.

ROLL CALL

MR. ARGENIO	AYE
MR. BRESNAN	AYE
MR. KARNAVEZOS	AYE
MR. LANDER	AYE
MR. PETRO	AYE

MR. PETRO: Paul, you did an outstanding job tonight.

MR. CUOMO: I know.

JUL.11.2001 15:16

OZMAN LAW OFFICES

#0558 P.002/004

A 291 - Standard N.Y.S.T.U. Form 8017  
Bargain & sale deed, with covenant against grantor's acts, inst. or Corp., 11-98.

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NYC 10011

CONSULT YOUR LAWYER BEFORE SIGNING THIS INSTRUMENT - THIS INSTRUMENT SHOULD BE USED BY LAWYERS ONLY

THIS INDENTURE, made on the 17 day of August, 2000

BETWEEN EARL CRONK, residing at 68 Long Hill Road, Highland Mills, New York,

party of the first part, and PAT TORPEY, residing at 25 Blooming Grove Turnpike, New Windsor, New York,

party of the second part,

WITNESSETH, that the party of the first part, in consideration of

TEN and 00/100-----(\$10.00)----- dollars,

lawful money of the United States, and other good and valuable consideration paid

by the party of the second part, does hereby grant and release unto the party of the second part, the heirs or successors and assigns of the party of the second part forever,

ALL that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the Town of New Windsor, Orange County, New York, more particularly bounded and described as follows:

BEGINNING at a point in the center of Union Avenue at the southeasterly corner of lands formerly of New Windsor Coal Company and running thence along the line of lands of New Windsor Coal Company North 35° 37' West 78.33 feet to a point marked by a pipe in a stone wall; thence along the lands of Erie Railroad Company North 20° 23' East 71.08 feet to a pipe in a stone wall at the corner of lands of Weston Transfer Co.; thence along the lands of Weston Transfer Co. South 64° 28' East 120 feet to an iron pipe; thence still along the lands of Weston Transfer Co. South 29° 35' East 25 feet to a nail in the center of Union Avenue; thence along the center of Union Avenue South 60° 25' West 114.49 feet to the point or place of beginning.

BEING the same lands and premises conveyed in a Deed dated March 14, 1997 from Colleen Morris as Executrix of the Estate of Gregory A. Morris and recorded in the Orange County Clerk's Office on March 24, 1997 in the Orange County Clerk's Office in Liber 4544 at Page 273.

This conveyance is made and accepted subject to an indebtedness secured by a Mortgage upon said premises held by Colleen Morris, which Mortgage was recorded in the Orange County Clerk's Office on the 24th day of March, 1997, in Book 6106 of Mortgages at Page 146, on which there is an unpaid principal of

with interest from , at the rate of 10 1/2 percent per annum, which said mortgage debt the party of the second part hereby assumes and agrees to pay, as part of the purchase price of the above described premises, and the party of the second part hereby executes and acknowledges this instrument for the purpose of complying with the provisions of Section 5-705 of the General Obligations Law

SUBJECT to covenants and restrictions of record, if any.

SUBJECT to any utility grants of record.

JUL 11 2001 15:16

OZMAN LAW OFFICES

#0558 P.003/004

**TOGETHER** with all right, title and interest, if any, of the party of the first part in and to any streets and roads abutting the above described premises to the center lines thereof,

**TOGETHER** with the appurtenances and all the estate and rights of the party of the first part in and to said premises,

**TO HAVE AND TO HOLD** the premises herein granted unto the party of the second part, the heirs or successors and assigns of the party of the second part forever.

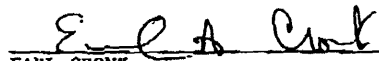
**AND** the party of the first part covenants that the party of the first part has not done or suffered anything whereby the said premises have been incumbered in any way whatever, except as aforesaid.

**AND** the party of the first part, in compliance with Section 13 of the Lien Law, covenants that the party of the first part will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied first for the purpose of paying the cost of the improvement and will apply the same first to the payment of the cost of the improvement before using any part of the total of the same for any other purpose.

The word "party" shall be construed as if it read "parties" whenever the sense of this indenture so requires.

**IN WITNESS WHEREOF**, the party of the first part has duly executed this deed the day and year first above written.

IN PRESENCE OF:

  
EARL CRONK

  
PAT TORPEY

**PUBLIC NOTICE OF HEARING**

**ZONING BOARD OF APPEALS**

**TOWN OF NEW WINDSOR**

PLEASE TAKE NOTICE that the Zoning Board of Appeals of the TOWN OF NEW WINDSOR, New York, will hold a Public Hearing pursuant to Section 48-34 of the Zoning Local Law on the following Proposition:

Appeal: #34

Request of PATRICK J. TORPEY and 20<sup>TH</sup> CENTURY TOWING

for a VARIANCE of the Zoning Local Law to Permit:

Interpretation and/or variance for expansion of a non-conforming use, thus permitting construction of two additional bays w/ less than the allowable front yard, rear yard and maximum building height;

being a VARIANCE of Section 48-12 - Table of Bulk Regs., Cols. E, G & I and Section 48-24 - Non-conforming uses

for property situated as follows:

200 Union Avenue, New Windsor, New York, known as tax lot  
Section 2 Block 2 Lot 9.1.

THE HEARING will take place on the 13th day of August, 2001 at the New Windsor Town Hall, 555 Union Avenue, New Windsor, New York beginning at 7:30 o'clock p.m.

Lawrence Torley, Chairman

**TOWN OF NEW WINDSOR  
ZONING BOARD OF APPEALS**

**APPLICATION FOR VARIANCE**

#01-34

Date: 07/09/01

**I. Applicant Information:**

(a) Patrick J. Torpey, 20<sup>th</sup> Century Towing, 200 Union Avenue, New Windsor  
(Name, address and phone of Applicant) (Owner)

(b) n/a  
(Name, address and phone of purchaser or lessee)

(c) n/a  
(Name, address and phone of attorney)

(d) Cuomo Engineering, Stewart Intl. Airport, New Windsor, N.Y. 12553  
(Name, address and phone of contractor/engineer/architect/surveyor)

**II. Application type:**

☐ Use Variance

☐ Sign Variance

☒ Area Variance

☒ Interpretation

**III. Property Information:**

(a) PI - 200 Union Avenue, New Windsor, N. Y. 12553 21-2-91 22,150 sq. ft. ±  
(Zone) (Address of Property in Question) (S-B-L) (Lot size)

(b) What other zones lie within 500 feet? R-4

(c) Is pending sale or lease subject to ZBA approval of this Application? No

(d) When was property purchased by present owner? .

(e) Has property been subdivided previously? Yes.

(f) Has property been subject of variance previously? Yes. If so, when? 6/98.

(g) Has an Order to Remedy Violation been issued against the property by the  
Building/Zoning/Fire Inspector? No.

(h) Is there any outside storage at the property now or is any proposed? Body shop  
has outside storage of vehicles behind fence.

**IV. Use Variance. N/A**

(a) Use Variance requested from New Windsor Zoning Local Law,  
Section \_\_\_\_\_, Table of \_\_\_\_\_ Regs., Col. \_\_\_\_\_.  
(Describe proposal) \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

(b) The legal standard for a "Use" Variance is unnecessary hardship. Describe why you feel unnecessary hardship will result unless the use variance is granted. Also set forth any efforts you have made to alleviate the hardship other than this application.

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**V. Area Variance:**

(a) Area variance requested from New Windsor Zoning Local Law, Section 48-12, Table of Use/Bulk Regs., Col. E,G,I.

Requirements	Proposed or Available	Variance Request
Min. Lot Area		
Min. Lot Width		
Reqd. Front Yd. 40 ft.	13.2 ft.	26.8 ft.
Reqd. Side Yd.		
Reqd. Total Side Yd.		
Reqd. Rear Yd. 30 ft.	3.9 ft.	26.1 ft.
Reqd. Street Frontage*		
Max. Bldg. Hgt. 23 ft.	24 ft.	1 ft.
Min. Floor Area*		
Dev. Coverage*		
Floor Area Ratio**		
Parking Area		

\* Residential Districts only

\*\* Non-residential districts only

(b) In making its determination, the ZBA shall take into consideration, among other aspects, the benefit to the applicant if the variance is granted as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. Also, whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance; (2) whether the benefit sought by the applicant can be achieved by some other method feasible for the applicant to pursue other than an area variance; (3) whether the requested area variance is substantial; (4) whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and (5) whether the alleged difficulty was self-created. Describe why you believe the ZBA should grant your application for an area variance:

The proposed variances will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood. Parcel is zoned commercial use and has always been used as such since before zoning.

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(You may attach additional paperwork if more space is needed).

**VI. Sign Variance: N/A**

(a) Variance requested from New Windsor Zoning Local Law,  
Section \_\_\_\_\_, Supplemental Sign Regs.

	<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Sign 1	_____	_____	_____
Sign 2	_____	_____	_____
Sign 3	_____	_____	_____
Sign 4	_____	_____	_____
	_____	_____	_____
	_____	_____	_____

(b) Describe in detail the sign(s) for which you seek a variance, and set forth your reasons for requiring extra or over size signs.

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(c) What is total area in square feet of all signs on premises including signs on windows, face of building, and free-standing signs?

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**VII. Interpretation.**

(a) Interpretation requested of New Windsor Zoning Local Law,  
Section 48-24 - Expansion of non-conforming use,

(b) Describe in detail the proposal before the Board:

Applicant purchased the commercial parcel adjacent to property and has now combined two lots, thereby creating a parcel 22,190 sq. ft. in size and now wishes to expand his pre-existing, non-conforming use to accommodate two more service bays.

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VIII. Additional comments:

(a) Describe any conditions or safeguards you offer to ensure that the quality of the zone and neighboring zones is maintained or upgraded and that the intent and spirit of the New Windsor Zoning is fostered. (Trees, landscaping, curbs, lighting paving, fencing, screening, sign limitations, utilities, drainage.)

It is the intent of the Applicant to foster the spirit of the New Windsor Zoning by the continuance of the pre-existing, non-conforming use which has been in place since before the institution of Zoning in the Town of New Windsor.

IX. Attachments required:

- x   Copy of referral from Bldg./Zoning Insp. or Planning Bd.
- x   Copy of tax map showing adjacent properties.
- n/a  Copy of contract of sale, lease or franchise agreement.
- x   Copy of deed and title policy.
- x   Copy(ies) of site plan or survey showing the size and location of the lot, the location of all buildings, facilities, utilities, access drives, parking areas, trees, landscaping, fencing, screening, signs, curbs, paving and streets within 200 ft. of the lot in question.
- n/a  Copy(ies) of sign(s) with dimensions and location.
- x   Two (2) checks, one in the amount of \$150.00 and the second check in the amount of \$ 500.00 , each payable to the TOWN OF NEW WINDSOR.
- x   Photographs of existing premises from several angles.

X. Affidavit.

Date: July 09, 2001

STATE OF NEW YORK)

) ss.:

COUNTY OF ORANGE )

The undersigned applicant, being duly sworn, deposes and states that the Information, statements and representations contained in this application are True and accurate to the best of his/her knowledge or to the best of his/or Information and belief. The applicant further understands and agrees that



**The Zoning Board of Appeals may take action to rescind any variance granted  
If the conditions or situation presented herein are materially changed.**

  
\_\_\_\_\_  
**Patrick J. Torpey, 20<sup>th</sup> Century Towing**

Sworn to before me this

28<sup>th</sup> day of July, 2001.

  
\_\_\_\_\_  
**Notary Public**

PATRICIA A. CORSETTI  
Notary Public, State of New York  
No. 01BA4904434  
Qualified in Orange County  
Commission Expires August 31, 2001.

(Rev. 6/29/01)

----- x  
In the Matter of the Application of

**PATRICK J. TORPEY**

#98-17.  
----- x

**MEMORANDUM OF  
DECISION TO PERMIT  
EXPANSION OF NON-  
CONFORMING USE**

WHEREAS, PATRICK J. TORPEY, dba 20th Century Towing, 200 Union Avenue, New Windsor, New York 12553, has made application before the Zoning Board of Appeals for a finding for expansion of a non-conforming use per Section 48-24B(3) and construction of an addition for the above location in a PI zone; and

WHEREAS, a public hearing was held on the 8th day of June, 1998 before the Zoning Board of Appeals at the Town Hall, New Windsor, New York; and

WHEREAS, the Applicant appeared before the Board in behalf of the application; and

WHEREAS, there were no spectators appearing at the public hearing; and

WHEREAS, no one spoke in favor of or in opposition to the Application; and

WHEREAS, a decision was made by the Zoning Board of Appeals on the date of the public hearing granting the application; and

WHEREAS, the Zoning Board of Appeals of the Town of New Windsor sets forth the following findings in this matter here memorialized in furtherance of its previously made decision in this matter:

1. The notice of public hearing was duly sent to residents and businesses as prescribed by law and in The Sentinel, also as required by law.

2. The evidence presented by the Applicant showed that:

(a) The property is a commercial property located in a PI zone.

(b) The property is used in variance of the regulations because of a pre-existing, non-conforming use.

(c) The Applicant seeks to expand this pre-existing, non-conforming use by construction of an addition of not more than 30% of the existing property.

(d) There is a dispute with respect to the location of the side yard property line nearest to the proposed addition. If the property line is as it appears on the tax map then no variance is necessary. If the property line is as it has appeared on one survey, than a side yard variance of 30 ft. would be necessary in order to permit construction of the proposed addition.

(e) The size and shape of the property is unique and there appears to be no location other than the location proposed by the Applicant for the construction of this addition. Any other location would apparently interfere with parking for the facility and its operation.

(f) No trees or shrubs will have to be removed in order to construct the addition.

(g) The addition, if allowed, would not interfere with the course of any drainage of water or create any ponding or collection of water.

(h) The variances sought for the purpose of constructing an addition which will contain a spray booth for the painting of automobiles. This booth will be entirely self-contained and no fumes or noxious materials will be expelled into the environment.

(i) The Applicant acknowledges that if this variance and expansion are granted, he may make no further application for expansion of this property.

**WHEREAS**, The Zoning Board of Appeals of the Town of New Windsor makes the following conclusions of law here memorialized in furtherance of its previously made decision in this matter:

1. The requested variance will not produce an undesirable change in the character of the neighborhood or create a detriment to nearby properties.
2. There is no other feasible method available to the Applicant which can produce the benefits sought.
3. The variance requested is substantial in relation to the Town regulations but nevertheless is warranted.
4. The requested variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood of zoning district.
5. The difficulty the Applicant faces in conforming to the bulk regulations is self-created but nevertheless should be allowed.
6. The benefit to the Applicant, if the requested variance is granted outweighs the detriment to the health, safety and welfare of the neighborhood or community.
7. The requested variance is appropriate and is the minimum variance necessary and adequate to allow the Applicant relief from the requirements of the Zoning Local Law and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.
8. The interests of justice will be served by allowing the granting of the requested area variance.
9. With the granting of this area variance, the proposed expansion will not be greater than 30% of the existing facility and is permissible pursuant to the New Windsor Zoning Code.

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Zoning Board of Appeals of the Town of New Windsor finds that the Applicant may expand his pre-existing, non-conforming use per Section 48-24B(3) by 30% and construct his addition to the business known as 20th Century Towing located at 200 Union Avenue in a PI zone in accordance with plans filed with the Building Inspector and presented at the public hearing.

**BE IT FURTHER**

**RESOLVED**, that the Secretary of the Zoning Board of Appeals of the Town of New Windsor transmit a copy of this decision to the Town Clerk, Town Planning Board and Applicant.

Dated: August 10, 1998.

A handwritten signature in black ink, appearing to read "James Neupert". The signature is written in a cursive style with a large initial "J" and a long, sweeping underline.

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Chairman



SURVEY: LANDS OF

**PATRICK J. TORPEY**

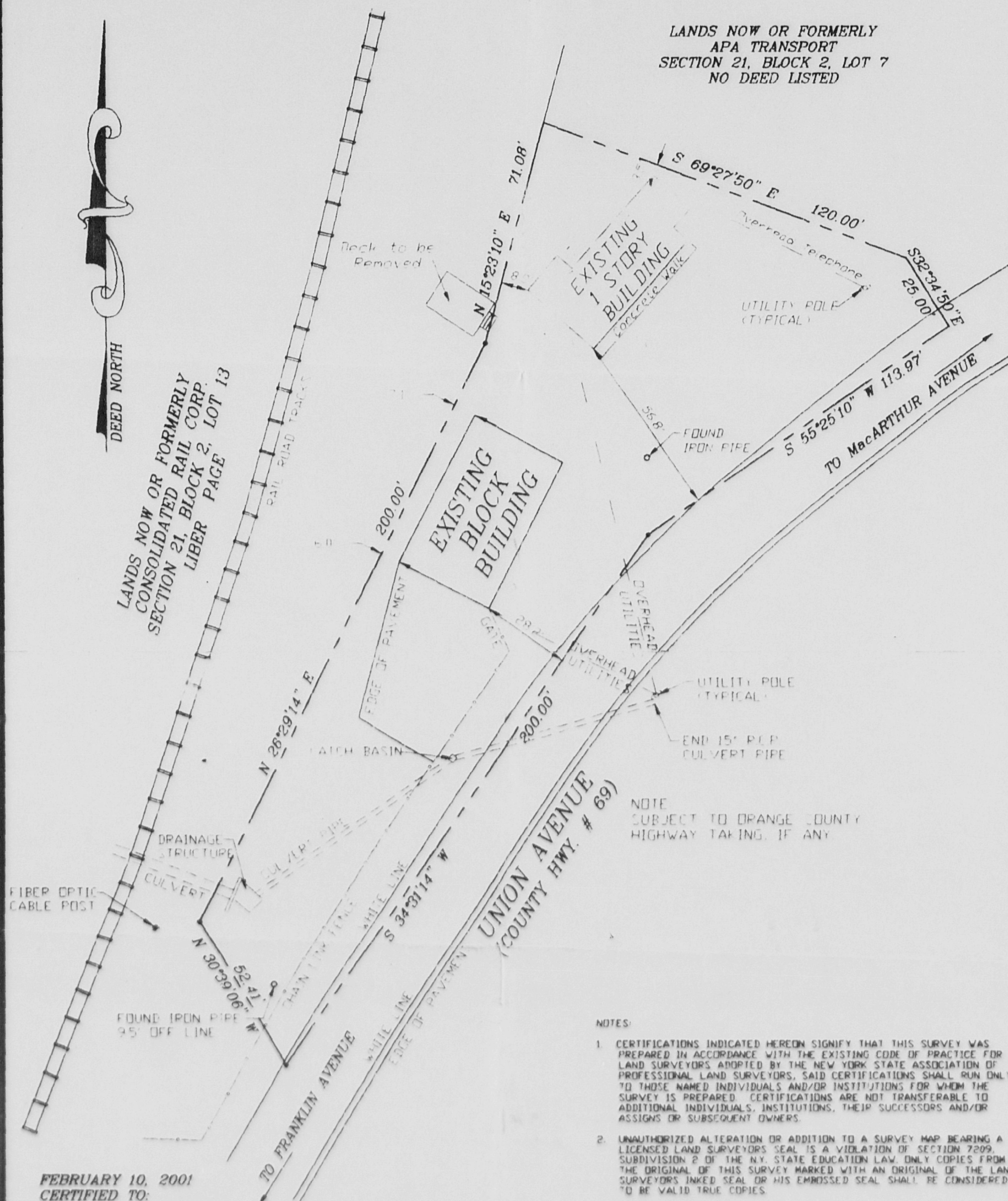
200 UNION AVENUE, TOWN OF NEW WINDSOR, COUNTY OF ORANGE, STATE OF NEW YORK,  
SCALE: 1" = 30 FEET DATE: MARCH 4, 1997 REVISED FEBRUARY 10, 2001

TAX MAP DESIGNATION: SECTION 21, BLOCK 2, LOT 9.1

DEED REFERENCE: LIBER 5038 PAGE 82

LIBER 5354 PAGE 124

TOTAL AREA: 22,190 sq. ft. or 0.51 ± ACRES



FEBRUARY 10, 2001

CERTIFIED TO:

**PATRICK J. TORPEY,**

LAWYERS TITLE INSURANCE CORPORATION

THE BANK OF NEW YORK, ITS SUCCESSORS AND OR ASSIGN, AS  
THEIR INTEREST MAY APPEAR, FOR THIS MORTGAGE ONLY

TO BE A TRUE AND CORRECT SURVEY PERFORMED IN THE FIELD ON FEBRUARY 6,  
1997, UPDATED ON FEBRUARY 15, 1999, AND THAT IT IS TO THE  
BEST OF MY KNOWLEDGE AND BELIEF CORRECT.

**DANIEL P. YANOSH, L.L.S.**  
N.Y.S. LIC. # 49561

NOTES:

1. CERTIFICATIONS INDICATED HEREON SIGNIFY THAT THIS SURVEY WAS PREPARED IN ACCORDANCE WITH THE EXISTING CODE OF PRACTICE FOR LAND SURVEYORS ADOPTED BY THE NEW YORK STATE ASSOCIATION OF PROFESSIONAL LAND SURVEYORS. SAID CERTIFICATIONS SHALL RUN ONLY TO THOSE NAMED INDIVIDUALS AND/OR INSTITUTIONS FOR WHOM THE SURVEY IS PREPARED. CERTIFICATIONS ARE NOT TRANSFERABLE TO ADDITIONAL INDIVIDUALS, INSTITUTIONS, THEIR SUCCESSORS AND/OR ASSIGNS OR SUBSEQUENT OWNERS.
2. UNAUTHORIZED ALTERATION OR ADDITION TO A SURVEY MAP BEARING A LICENSED LAND SURVEYORS SEAL IS A VIOLATION OF SECTION 2809, SUBDIVISION 2 OF THE N.Y. STATE EDUCATION LAW. ONLY COPIES FROM THE ORIGINAL OF THIS SURVEY MARKED WITH AN ORIGINAL OF THE LAND SURVEYORS INKED SEAL OR HIS EMBOSSED SEAL SHALL BE CONSIDERED TO BE VALID TRUE COPIES.
3. SUBJECT TO AN UP TO DATE ABSTRACT OF TITLE. SUBJECT TO UNDERGROUND UTILITIES AND EASEMENTS NOT RECORDED AND/OR NOT VISIBLE AT THE TIME OF FIELD SURVEY.

**DANIEL P. YANOSH, L.L.S.**

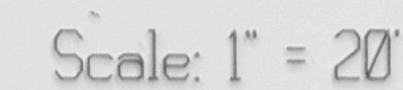
2194 N.Y.S. ROUTE 302  
P.O. BOX 320  
CIRCLEVILLE, NEW YORK 10919

PHONE # (845) 361 - 4700  
FAX # (845) 361 - 4722

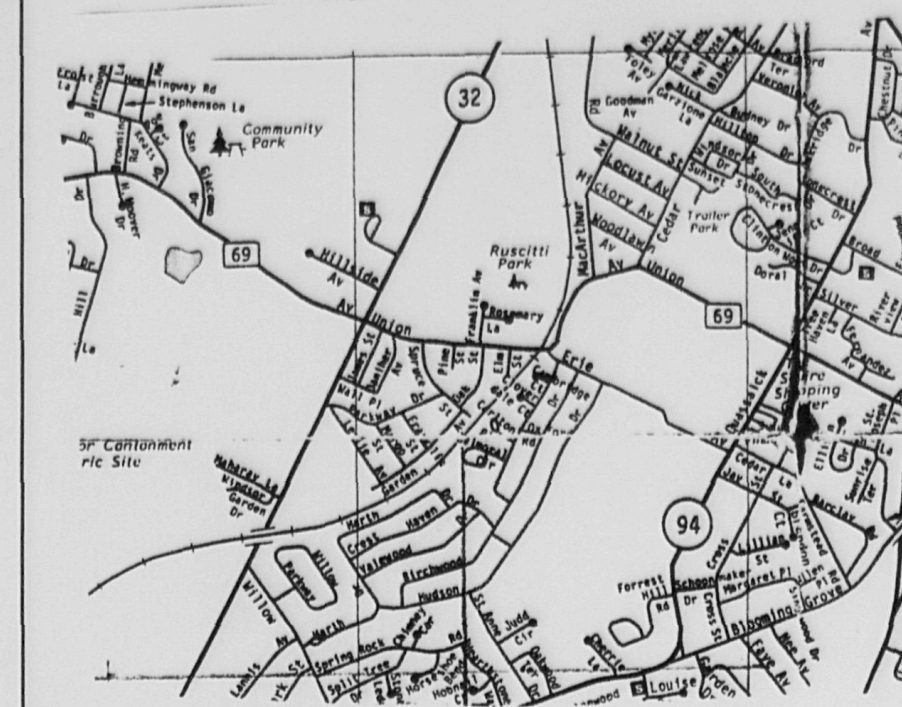
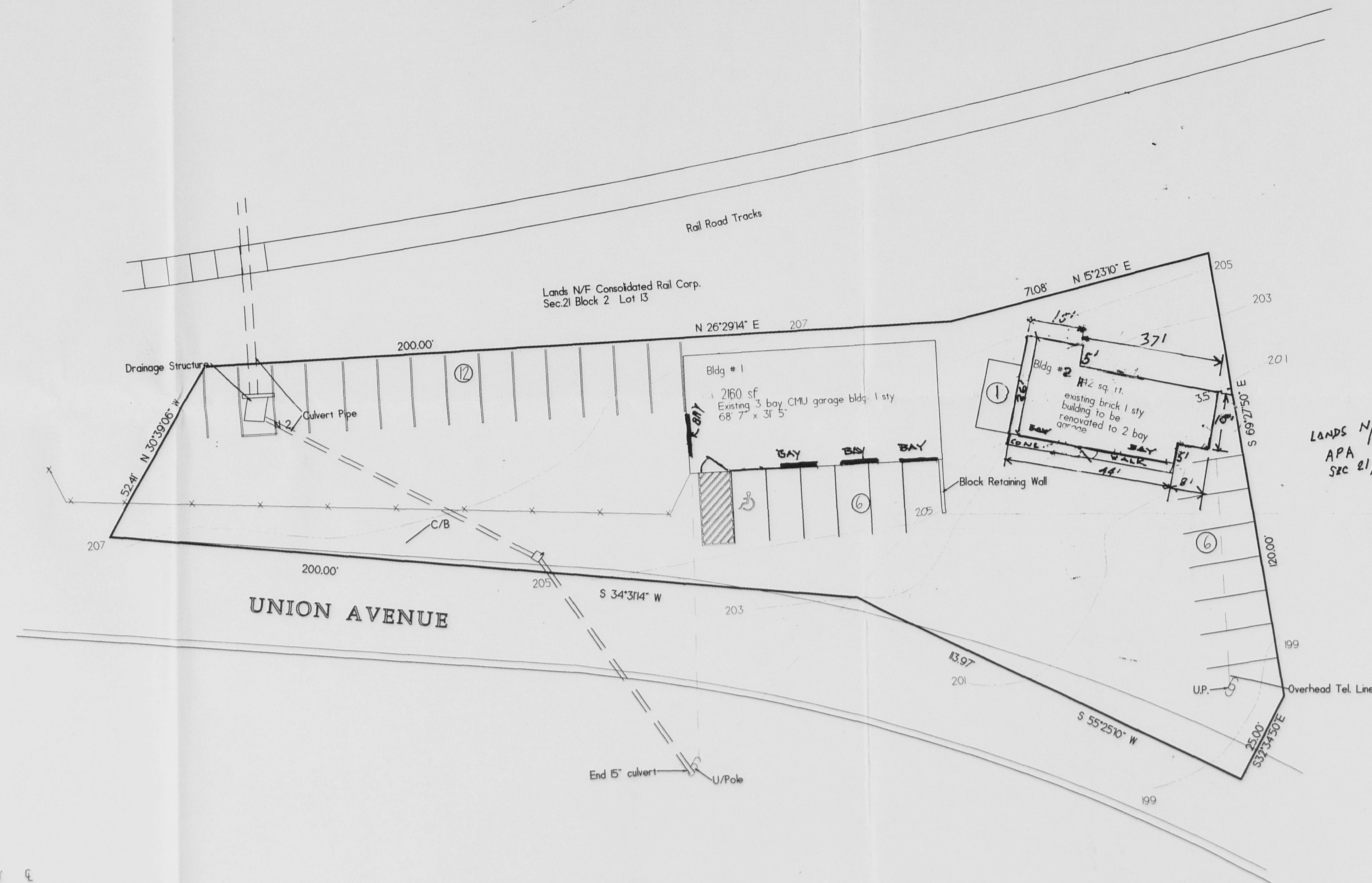
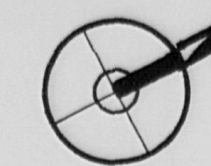
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MAY 14 2001





SURVEY INF.  
DAN YANOFF LL3  
FEB 18, 1999



LOCATION MAP

## ZONING REQUIREMENTS

\* **PI** Pre-existing Non-Conforming condition

SECTION 21, BLOCK 2, LOT 9.1

ITEM	REQUIRED	PROPOSED	ZBA
LOT AREA	5,000	22,997	V.G.
LOT WIDTH	125'	200'	N/A
FRONT YARD	40'	13.2'	V.G.
SIDE YARD	15'	95'	N/A
BOTH SIDES	30'	225'	N/A
REAR YARD	30'	3.9'	N/Rec
FRONTAGE	N/A	N/A	N/A
MAX. BLDG. HGT.	23'	24'	V.G.
FLOOR AREA RATIO	0.5	0.24	N/A
LOT COVERAGE	N/A	N/A	N/A

## PARKING REQUIREMENTS

Building #1 - Total sf = 2160 - Bays = 3 (400 sf per bay = 1200)  
 12 spaces @ 4 per bay  
 2160 sf  
1200 sf  
 = 960 sf / 300 = 3.2    12 + 3.2 = 15.2

Building #2 - Total sf = 1142 - Bays = 2 (400 sf per bay = 800)  
 8 spaces @ 4 per bay  
 1142 sf  
800 sf  
 = 342 sf / 300 = 1.14    8 + 1.14 = 9.14  
 15.2 + 9.14 = 24.34 (25 Spaces)  
25 spaces required, including 1 H/C space, 25 spaces provided

## GENERAL INFORMATION

Owner and Applicant...  
20th Century Towing & Auto Body  
200 Union Ave.  
New Windsor, NY 12553

Based On Survey Dated 2/10/01 by...  
Daniel P. Yanosh L.L.S.

\* NOTE: BACK TABLE VALUES SHOWN FOR N.C. ZONE,  
FOR REFERENCE ONLY.

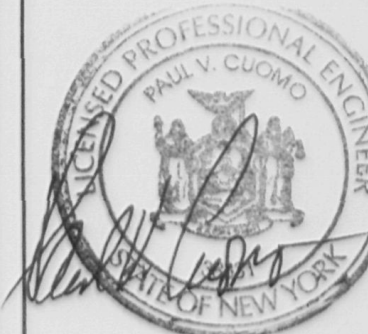
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**CUOMO ENGINEERING**  
STEWART INTERNATIONAL AIRPORT, NEW WINDSOR, NY 12553 (914) 567-0063

SITE PLAN

**PROJECT TITLE:** Site Plan for 20th Century Towing  
                                & Auto Body

SEAL



DATE \_\_\_\_\_

4/05/2001

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J.V.

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